

REMARKS

The amendments to the Specification do not add new matter.

Support for new claims 19-35 can be found in the specification and claims as originally filed, and as noted below. No new matter is added.

Support for new claims 19-20 can be found at least at page 3, lines 12-14.

Support for new claim 21 can be found at least at page 3, lines 29-30.

Support for new claim 22 can be found at least at page 2, lines 24-25.

Support for new claim 23 can be found at least at page 3, lines 18-20.

Support for new claim 24 can be found at least at page 5, lines 23-25.

Support for new claim 25 can be found at least at page 6, lines 2-3.

Support for new claims 26, 27, 28, 29 & 30 can be found at least at page 6, lines 4-8.

Support for new claims 31, 32 and 33 can be found at least at page 1, lines 30-33, page 6, lines 17-18 and page 7, lines 9-10.


Support for new claims 34 and 35 can be found at least at page 7, lines 15-21.

CONCLUSION

If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 416-2433.

Respectfully submitted,

BOWDITCH & DEWEY, LLP

By 

Roger P. Zimmerman

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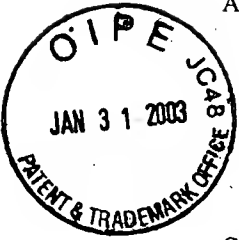
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MARKED UP VERSION OF AMENDMENTS

Specification Amendments Under 37 C.F. R. § 1.121(b)(1)(iii)

Please replace the paragraph starting at page 1, line 9 and ending on page 1, line 22 with the following paragraph:

Gas fumigation as currently practiced uses either ethylene oxide (epoxyethane, ETO) formaldehyde, vaporized peroxide or ozone. Each of these fumigants has disadvantages that limit their utility in fumigating large volumes, e.g. buildings or [vehilces]vehicles. Ethylene oxide is a flammable and explosive gas that is classified as both a mutagen and a carcinogen. The use of ethylene oxide as a fumigant requires extensive post detoxification and clean up procedures. Formaldehyde is potentially explosive and an occupational carcinogen. Moreover, it has poor penetrating ability. The use of formaldehyde as a fumigant requires extensive post detoxification and clean up procedures. Formaldehyde is potentially explosive and an occupational carcinogen. Moreover, it has poor penetrating ability. The use of formaldehyde as a fumigant requires extensive post detoxification and clean up procedures. Vaporized peroxide reacts generally with all organic compounds in the environment to be fumigated, thus having a high demand for fumigant. Vaporized peroxide is effective in fumigating spaces of volume less than 1200 ft³. Ozone reacts generally with all organic compounds in the environment to be fumigated, and has the shortest half-life of these fumigants, making ozone even less suitable than vaporized peroxide for the fumigation of large volumes.

Please replace the paragraph starting at page 1, line 23 and ending on page 1, line 29 with the following paragraph:

Chlorine dioxide is recognized as an effective sterilant. However, no guidance is available regarding the use of chlorine dioxide for the fumigation of large volumes. Sodium [hypochlorite] hypochlorite is known to be useful and effective for scrubbing down surfaces. However, such procedures using sodium hypochlorite are labor intensive, affect appearance and integrity of materials scrubbed, and are not as suitable for large scale use as are the gas methods. Chlorine gas is also not suitable due to the health

hazards, high corrosivity of the gas, and the production of chlorinated organic by-products.

Please add the following new sentences to page 8, line 28:

For instance, the skilled artisan, once aware of this disclosure, would recognize that *Bacillus subtilis* spores are used as a surrogate to monitor the efficacy of fumigation of materials contaminated by pathogens such as *Bacillus anthracis*; thus the present invention encompasses fumigation of materials contaminated by pathogens *as Bacillus anthracis*.